

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GAETANO DEVELOPMENT CORP., GATEWAY
IV, LLC, and HARTFORD FIRE INSURANCE
COMPANY a/s/o Gateway IV, LLC,

Plaintiffs,

-against-

GOODMAN MANUFACTURING COMPANY, L.P.,
GOODMAN COMPANY, L.P. and GOODMAN
GLOBAL, INC.,

Defendants.
----- X

GOODMAN COMPANY, L.P.,

Third-Party Plaintiff,

-against-

TOWER MANUFACTURING CORPORATION,

Third-Party Defendant.
----- X

TOWER MANUFACTURING CORPORATION,

Second Third-Party Plaintiff,

-against-

EVEREX COMMUNICATIONS, INC., PRIME
TECHNOLOGY (GUANGZHOU), INC.,
CONNECTICUT PTAC SERVICES, LLC, and
COOL TECH HVAC SERVICE, LLC

Second Third-Party Defendants.
----- X

Case No. 09-CV-10090
(Consolidated)

**DECLARATION OF SCOTT HAWORTH IN OPPOSITION TO EVEREX AND PRIME'S
MOTIONS FOR SUMMARY JUDGMENT**

Scott L. Haworth declares, pursuant to the provisions of 28 U.S.C. § 1746, as follows:

1. I am a Partner at Haworth Coleman & Gerstman, LLC, attorneys for third-party defendant/second third-party plaintiff, Tower Manufacturing Corporation ("Tower") in the above action. As such, I am fully familiar with the facts and circumstances in this matter.

2. This declaration is submitted in opposition to the motions for summary judgment filed by second third-party defendants, Everex Communications, Inc. and Prime Technology (Guangzhou), Inc., seeking dismissal of Tower's Second Third-Party Complaint.

3. Tower incorporates in this Declaration all exhibits attached to its motion for summary judgment against Goodman. In addition, attached hereto are true and correct copies of the following documents:

- Exhibit A: Affidavit and Report of Andrew J. Neuhalfen, Ph.D., P.E.
- Exhibit B: Deposition of Vincent Chan of Everex
- Exhibit C: Underwriters Laboratories Report on M61 Circuit Board

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: New York, New York
February 28, 2011

A handwritten signature in black ink, appearing to read "Scott Haworth", with a long, sweeping horizontal line extending to the right.

SCOTT HAWORTH (SH-5890)
BARRY L. GERSTMAN (BG-3691)
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New York, New York 10006
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Attorneys for Third-Party Defendant/Second
Third-Party Plaintiff
Tower Manufacturing Corporation

CERTIFICATE OF SERVICE

I, Scott L. Haworth, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF SCOTT HAWORTH IN IN OPPOSITION TO EVEREX AND PRIME'S MOTIONS FOR SUMMARY JUDGMENT** was served via ECF on February 28, 2011, upon the following:

Dennis Perlberg, Esq.
SPEYER & PERLBERG, LLP
Attorneys for Second Third-Party Defendant
Everex Communications, Inc.
115 Broadhollow Road, Suite 250
Melville, New York 11747

Steven Bennett, Esq.
Maxime Guindo, Esq.
JONES DAY
Attorneys for Defendants/Third-Party Plaintiffs
Goodman Global, Inc., Goodman Company, L.P.
and Goodman Manufacturing Company, L.P.
222 East 41st Street
New York, New York 10017

Michael J. Dougherty, Esq.
WELTMAN, WEINBERG & REIS, CO., L.P.A.
Attorneys for Second Third-Party Defendant
Prime Technology (Guangzhou), Inc.
325 Chestnut Street, Suite 501
Philadelphia, PA 19106

Dated: New York, New York
February 28, 2011

A handwritten signature in black ink, appearing to read "Scott L. Haworth", with a long horizontal flourish extending to the right.

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